

USSN: 10/822,188

Docket No.: 2002B098/2

Response dated July 14, 2005

Reply to Office Action of June 15, 2005

REMARKS/ARGUMENTS**Amendment of the Claims**

Upon entry of the claim amendments, claims 1-29 and 31-60 will be all the claims pending in the application.

Dependent claim 30 is canceled.

Dependent claim 32 has been amended to correct an inaccurate reference to the "process" of independent claim 27. Dependent claim 32 now correctly references the "film" of independent claim 27.

No new matter has been added.

Election/Restriction

In response to the requirement to make an election, Applicant elects Group I, Claims 1-26 and 48-60, product claims drawn to a laminate comprising a metal layer and a transfer layer applied thereto, classified in class 428, subclass 457+, with traverse. Applicant respectfully contends that the restriction requirement is improper on the basis that the inventions of Group I and Group II are not patentably distinct. MPEP Chapter 802.01 defines "distinct" as "two or more subjects as disclosed are related but are capable of separate manufacture, use or sale."

The intermediate product of the claims of Group II is not distinct over the claims of Group I because the manufacture of the intermediate product requires winding the intermediate product onto a core or roll for handling, storage and/or transport. Once wound, the transfer layer of the intermediate product will contact the metal layer of the intermediate product, resulting in the physio-chemical interaction between said layers, and thereby producing the final product of the claims of Group I. Therefore, the subject matter of Group I and Group II are incapable of separate manufacture, at least in commercial quantities.

Applicant further respectfully contends that the restriction requirement is improper on the basis that a search of all of the inventions in the application would not be unduly burdensome to

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the Examiner due to separate status in the art. For the reasons stated above, the invention of the claims of Group I and Group II are not indicative of separate inventive effort by the inventor. Rather, the invention of the claims of Group I cannot be achieved without the formation of the intermediate film substrate of the claims of Group II. Applicant hereby requests that Examiner provide evidence of the separate status of Group I and Group II by citing patents in support of Examiner's position, as provided in MPEP Chapter 808.02 (B). For the reasons stated above, Applicant contends that a search directed to both Group I and Group II would, therefore, not be burdensome to the Examiner, and the restriction of the invention of Group II is improper.

If any points remain in issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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